

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
High-Cost Universal Service Support	)	WC Docket No. 05-337

**REPLY COMMENTS OF EAST ASCENSION TELEPHONE COMPANY, LLC**

**I. INTRODUCTION AND BACKGROUND**

East Ascension Telephone Company, LLC (“EATEL”) submits these reply comments in response to and in support of certain comments filed at the request of the Wireline Competition Bureau (the “Bureau”) in the above-captioned dockets for comment on data specifications for documenting incumbent local exchange carrier (“ILEC”) study area boundaries for use in universal service funding.<sup>1</sup>

In the *SA Boundaries Public Notice*, the Bureau proposes to require “all incumbent LECs to submit study area maps in esri compatible shapefile format”<sup>2</sup> to facilitate a number of goals set forth in the Commission’s *USF/ICC Transformation Order*.<sup>3</sup> Specifically of concern to EATEL is how any mapping will be used to implement the Commission’s benchmarking rule and its intended reduction in universal service support for study areas where there is overlap of a study

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<sup>1</sup> *Comment Sought On Data Specifications for Collecting Study Area Boundaries*, Public Notice, WC Dockets 10-90 & 05-337, DA 12-868 (Wireline Competition Bur. rel. June 1, 2012) (the “*SA Boundaries Public Notice*”).

<sup>2</sup> *SA Boundaries Public Notice* at ¶ 6.

<sup>3</sup> *Connect America Fund, et al.*, Report & Order and Further Notice of Proposed Rulemaking, WC Dockets 10-90 *et al.*, 26 FCC Rcd 17663, 17728 (2011) (“*USF/ICC Transformation Order*”), *Pet. for Rev. pending*, *In re: FCC 11-161*, Case No. 11-9900 (10<sup>th</sup> Cir., filed Dec. 8, 2011).

area by an unsubsidized competitor offering voice and broadband service to a substantial majority of such study area.<sup>4</sup>

As the Commission is aware, EATEL has raised concerns with the Bureau's *Benchmarking Order*,<sup>5</sup> having filed an Application for Review and Request for Stay.<sup>6</sup> EATEL maintains in its Application that the Bureau "erred in its development of independent variables for use in its quantile regression analysis ("QRA"), or in its application of the QRA to EATEL, or both."<sup>7</sup> More generally, EATEL maintains that the "Bureau has employed techniques that are unreliable by any objective measure."<sup>8</sup> EATEL cites in its Application the inaccuracies of the study area boundaries used in the Bureau's analysis as one example of the unreliability of the independent QRA variables.<sup>9</sup> EATEL continues to stress the need for study area boundary accuracy for both benchmarking of universal service support and also for use in reducing any support in areas where there is overlap of a study area by an unsupported carrier providing broadband and voice service.

EATEL disagrees with two significant aspects of the Bureau's proposed esri mapping solution – the inability of the mapping tool alone to produce accurate study area maps and also the cost to carriers of using the esri mapping tool, both in terms of labor and software expense. EATEL believes that both of its concerns, specifically with regard to the mapping of study areas in Louisiana, can be significantly addressed by shifting the collection of study area boundary data from the carrier to the state commission, which already has access to much, if not all, of the

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<sup>4</sup> SA Boundaries Public Notice at ¶¶ 2 and 4.

<sup>5</sup> *Connect America Fund, High-Cost Universal Service Support*, Order, WC Docket Nos. 10-90 and 05-337, DA 12-646 (rel. April 25, 2012) ("*Benchmarking Order*").

<sup>6</sup> EATEL Application for Review of Action Taken Pursuant to Delegated Authority, *Connect America Fund, High-Cost Universal Service Support*, WC Docket Nos. 10-90 and 05-337 (filed May 25, 2012) ("Application") and Petition for Stay of East Ascension Telephone Company LLC, *Connect America Fund, High-Cost Universal Service Support*, WC Docket Nos. 10-90 and 05-337 (filed May 25, 2012) ("Stay Petition").

<sup>7</sup> See EATEL Application at 2.

<sup>8</sup> See *id.*

<sup>9</sup> See EATEL Application at 5.

needed service territory information and which has first-hand knowledge of carriers' service territories and can thereby ensure that any mapping tool accurately tracks carriers' service territories.

## **II. DISCUSSION**

### **A. Shapefiles Of Study Areas Must Be Consistent With Carriers' Exchange Boundaries**

EATEL supports greater use of and reliance upon state resources to ensure that the data built into a shapefile format is accurate according to each carrier's actual service territory. Based on a NECA study "that showed that the Tele-Atlas wire center boundary data used by the Bureau was riddled with inaccuracies,"<sup>10</sup> EATEL consulted with NECA about its study showing that the Bureau's analysis of EATEL's area boundaries was inaccurate by approximately seven percent. EATEL's review of the NECA study shows that the Bureau's mapping is both overinclusive and underinclusive. Maps based on Bureau analysis include areas not within EATEL's service territory and they also exclude areas that are within EATEL's service territory. While EATEL has been unable to date to determine the impact of this seven percent inaccuracy, it remains that the maps are inaccurate based on the Bureau's analysis. EATEL maintains that the Bureau should not make any funding decisions based on flawed maps. Mapping is a critical factor in determining support provided to carriers and it should be accurate.

Regardless of whether or not EATEL, and other carriers, have access to and can use esri capable software to provide shapefile information for the Commission's national mapping purposes, EATEL is still concerned about the accuracy of the maps that would be derived from such information. EATEL does not believe that the high specifications contained in Appendix A to the *SA Boundaries Public Notice* can be met simply by carrier provided information. Rather,

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<sup>10</sup> EATEL Application at 6, *citing* Comments of the National Exchange Carrier Association *et al.* in WC Docket Nos. 10-90 *et al.*, App. D, 3-4 (filed Jan. 12, 2012).

EATEL supports the concept raised by many commenters that any collection of study area boundary data should begin at the state level with the entities that establish ILEC service areas and that already have the information to ensure maps are accurately drawn according to service areas.<sup>11</sup> To varying degrees of state involvement, this concept has been raised by a number of other commenters, including the Nebraska Public Service Commission, the Oregon Telecommunications Association, and the Nebraska Rural Independent Companies. EATEL supports the recommendation of the Nebraska Public Service Commission that the Commission allow state commissions to “opt-in as the submitting entity to ensure accuracy and consistency with the required format, and eliminate conflict and confusion as to what is the official exchange boundary.”<sup>12</sup> Similarly, in Oregon, the state public utility commission and the state telecommunications association are working together to create a master statewide map of ILEC boundaries and therefore the Oregon Telecommunications Association “believes the OPUC [Oregon Public Utility Commission] is well positioned to assist ILECs by collecting mapping data, resolving conflicts and certifying the accuracy of boundaries to the FCC.”<sup>13</sup> Finally, EATEL agrees with the comments of the Nebraska Rural Independent Companies that “state commissions are the original and official source of exchange boundary data;”<sup>14</sup> that “state

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<sup>11</sup> See Comments of Alexicon Telecommunications Consulting, Public Notice, *Comment Sought On Data Specifications for Collecting Study Area Boundaries*, WC Dockets 10-90 and 05-337, DA 12-868 at 4 (filed July 2, 2012) (“Alexicon Comments”).

<sup>12</sup> See Comments of the Nebraska Public Service Commission, Public Notice, *Comment Sought On Data Specifications for Collecting Study Area Boundaries*, WC Dockets 10-90 and 05-337, DA 12-868 at 2 (filed July 2, 2012) (“Nebraska PSC Comments”). EATEL further agrees with the Nebraska PSC that the “knowledge, expertise, and experience in matters involving LECs and telecommunications boundaries lies with the state commissions.” *Id.* at 4.

<sup>13</sup> See Comments of the Oregon Telecommunications Association, Public Notice, *Comment Sought On Data Specifications for Collecting Study Area Boundaries*, WC Dockets 10-90 and 05-337, DA 12-868 at 1 (filed July 2, 2012) (“OTA Comments”).

<sup>14</sup> See Comments of the Nebraska Rural Independent Companies, Public Notice, *Comment Sought On Data Specifications for Collecting Study Area Boundaries*, WC Dockets 10-90 and 05-337, DA 12-868 at 4 (filed July 2, 2012) (“Nebraska Companies Comments”).

commissions are the best forum to resolve gaps, voids and overlaps;”<sup>15</sup> that “it is efficient to have only one body per state providing shapefiles to the Commission;”<sup>16</sup> and that “where state commissions prepare the exchange boundary data, there will likely be synergies that can benefit universal service.”<sup>17</sup>

EATEL supports the involvement of its own state commission in the Commission’s mapping efforts. To the extent that EATEL can already use esri capable software, which is not available company-wide across all of its service areas, EATEL already has concerns that the information generated will not be consistent with its actual service territories. More specifically, EATEL is concerned that it is not in a position to verify the accuracy. EATEL’s service territory maps were developed many years ago and are not digitized. As such, EATEL’s own maps are not sufficiently sophisticated for verification purposes. EATEL simply has no current way to ensure that the esri information will produce maps that are consistent with its actual study areas. EATEL urges the Commission to find that ensuring the accuracy of shapefile-created study areas with a carrier’s actual exchange boundaries is an appropriate and necessary task for state involvement.

**B. The Cost of Creating Shapefile Study Maps Should Not Be Imposed On Carriers**

EATEL agrees with Alexicon that the “Commission is asking RoR LECs to ‘do more with less.’ In the instant case, the collection of electronic study area boundary maps, in “ESRI” compatible shapefile or any other format, (citation omitted) has the potential of becoming a regulatory morass of epic proportions. If, for example, a company or group of companies will be forced to undergo a process for converting current maps to the WCB’s favored format, it would

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<sup>15</sup> See *id.*  
<sup>16</sup> See *id.*  
<sup>17</sup> See *id.* at 5.

take substantial time and cost to do so.”<sup>18</sup> For a family-owned and operated company, serving only two parish communities in Louisiana, EATEL simply does not have the resources – labor or excess operating capital – to fund mapping project that will be require time-consuming labor resources or capital to invest in mapping software that in and of itself is not likely to sufficiently reflect EATEL’s study areas. EATEL is already being asked to do more with less. For example, EATEL must expand the responsibilities of current staff to handle the host of new regulatory obligations that have been imposed under the Commission’s *USF/ICC Transformation Order*. EATEL believes that it will be nearly impossible for EATEL to stretch its current staff to handle the mapping requirements being contemplated by the Bureau. EATEL agrees with the Nebraska PSC that “state commissions are clearly the most appropriate, efficient, and obvious place to address and [sic] LEC boundary issues prior to submission to the FCC for compilation in the national map.”<sup>19</sup> EATEL believes efficiency should be measured not only according to the entity that has access to the most accurate data to reflect study areas, but also according to the entity that can compile data most cost effectively. Again, from EATEL’s perspective as very small carrier, that would be its state commission.

### **III. CONCLUSION**

For foregoing reasons, EATEL urges the Bureau to revisit its proposed requirements that all ILECs submit study areas maps in esri compatible shapefile format, and allowing any boundary data collection requirements to be shifted to the relevant state commission where the carrier is unable to reasonably comply with such a data gathering commitment, as described above. EATEL believes this is one of many options that the Bureau can pursue in order to achieve its regulatory objectives while minimizing the burden and cost for small companies like

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<sup>18</sup> Alexicon Comments at 4.

<sup>19</sup> Nebraska PSC Comments at 4 (emphasis added).

EATEL, as well as ensuring that the resulting nationwide maps will be accurate and consistent with carriers' actual study areas.

Respectfully submitted,

John Scanlan  
President and Vice Chairman  
EAST ASCENSION TELEPHONE COMPANY  
913 S. Burnside Avenue  
Gonzales, Louisiana 70737-4258  
(225) 621-4300

/s/  
Karen Brinkmann  
Robin Tuttle  
KAREN BRINKMANN PLLC  
555 Eleventh Street, NW  
Mail Station 07  
Washington, D.C. 20004-1304  
202-365-0325  
[KB@KarenBrinkmann.com](mailto:KB@KarenBrinkmann.com)

*Counsel for EATEL*

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